

**MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Bogue, followed by the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS Zermeno, McKillop, Sacks, Caveglia, Halliday, Thnay  
CHAIRPERSON Bogue  
Absent: COMMISSIONERS None

Staff Members Present: Anderly, Conneely, Camire, Looney, Patenaude

General Public Present: Approximately 12

**PUBLIC COMMENT**

There were no public comments.

**AGENDA**

1. Planning Director's Referral of Administrative Use Permit Application No. PL-2002-0370 – Maria Revuelta (Applicant) / Arnold Addison (Owner) – Request to Expand an Auto Body Shop Which is Adjacent to a Single Family Residential Zoning District and a Public Park – The Project is located at 727 Industrial Parkway West
2. **Planning Director's Referral of Administrative Use Permit No. PL-2003-0108 – Jody Malone for Designers Collective (Applicant) / Sam Hirbod (Owner) - Request to Renovate a Gas Station and Build a New Mini-Mart with an Attached Carwash – The Project is Located at 21501 Foothill Boulevard at the Corner of Grove Way**
3. **Use Permit Application No. PL-2003-0153/Modification of CUP 01-160-05 – Donald Imwalle (Applicant) / Target Corporation (Owner) - Request for Multi-Tenant Retail Pad Building – The Project is Located at the Northeast Corner of Whipple Road and Industrial Parkway Southwest within the Target Project**

**PUBLIC HEARINGS**

1. Planning Director's Referral of Administrative Use Permit Application No. PL-2002-0370 – Maria Revuelta (Applicant) / Arnold Addison (Owner) – Request to Expand an Auto Body Shop Which is Adjacent to a Single Family Residential Zoning District and a Public Park – The Project is located at 727 Industrial Parkway West

Associate Planner Camire described the present property and the location of both tenant units. The applicant is applying for an expanded auto body shop on an industrial property, which is located next to the residential area. Staff is recommending approval.

Commissioner Caveglia asked why this is exempt from CEQA.

Associate Planner Camire explained that the building is established with existing auto body shops and industrial usage.

Commissioner Halliday asked about the expansion to the into the new tenant unit.

Associate Planner Camire explained the conditions would not incorporate all of the businesses on the site, but just the existing auto body shop and the new tenant unit that they will occupy.

McKillop asked about the paint spraying being done in a booth.

Associate Planner Camire explained that it is now being done in a booth in the unit they occupy. However, the applicant is not going to install a paint booth in the new unit.

Commissioner McKillop noted the poor landscaping on the property.

Associate Planner Camire commented that several property maintenance problems could be solved with this permit and the conditions of approval.

Commissioner McKillop noted that is it problematic when a landlord is not noted for taking care of the property.

Associate Planner Camire said staff believes these operators will abide by the conditions.

Commissioner Thnay asked how the fumes are mitigated adding that the site is unsightly and can something be done to clean it up.

Associate Planner Camire explained that a license for the paint booth is obtained from the Fire Department Hazardous Materials Office.

Principal Planner Patenaude added that with this permit staff is not be able to enforce the conditions on the property as a whole and can ask the applicant to do only what is reasonable for the proposed expansion.

Commissioner Sacks asked about the new conditions members received to replace the ones in the report.

Associate Planner Camire noted the only change was Condition 13, which requires vehicles to be moved to an off-site storage location when awaiting repair for more than a week.

Commissioner Sacks then asked about the chronology for the building as well as the Canterbury Homes and the park with it.



Associate Planner Camire told her that this building was constructed in 1982, and the homes and park were built later.

Planning Manager Anderly said they were constructed in the year 2000.

Commissioner Zermeño asked about conditions 3. 4. and 5 describing them as good neighbor conditions, and how difficult they might be to enforce.

Principal Planner Patenaude explained that it would be dependent on the complaints received and that Community Preservation would deal with the enforcement.

The public hearing was opened at 7:48 p.m.

Arnold Addison, who said he manages the property for his children, explained that he was in favor of conforming to the conditions and will make an effort to do so. Referring to the landscaping on Industrial Parkway West, he said they had planted it several years ago but will replace it soon because when the monument sign is installed. Although it is not required, Mr. Addison said he is willing to plant landscaping. He added that they would also paint the side of the building and intend to be a good neighbor. They own all four buildings on the 2.2 acres.

Commissioner Halliday clarified that he and his children own of all them and would comply even though these conditions are set only for the two tenants.

Mr. Addison explained that they were willing to apply the conditions of the auto body shop to all of the tenants. He said they have already given notice regarding property maintenance and parking. He explained that tenants who do not comply could be cause to cancel the leases.

Commissioner Halliday asked about the Canterbury Homes and any complaints from neighbors.

Mr. Addison commented that the residents should have considered living next to an industrial property when they bought their homes.

The public hearing closed at 7:53 p.m.

Chairperson Bogue asked staff about the monument sign and whether if the installation of landscaping could be required as a condition.

Principal Planner Patenaude said staff has spoken with the sign maker about it. As to requiring landscaping on Huntwood as a condition, staff has determined it would not be a reasonable condition on this permit.

Chairperson Bogue pointed out that Unit W backs up to the landscape area.

Principal Planner Patenaude explained that to require landscaping on just that portion would be piecemeal.

Chairperson Bogue then asked about the conditions regarding the missing landscaping and to what that was referring.

Principal Planner Patenaude described it as immediately adjacent to Unit W.

Mr. Addelson explained that when he was referring to landscaping the strip on Huntwood, he was referring to landscaping the entire frontage.

Commissioner Halliday asked staff what uses would be included within the new unit.

Associate Planner Camire said the business would basically operate the same but without the paint booth.

Commissioner Halliday commented that there was discussion during the General Plan revision about several kinds of industrial zones; this particular one was for originally slated for research and development.

Planning Manager Anderly explained that the change to the General Plan is not scheduled this year.

Commissioner Halliday then asked what other usage could operate at this location.

Planning Manager Anderly said the buildings were used for warehousing previously. However, these buildings were designed for automobiles usage so the auto body shop is a logical use.

Commissioner Caveglia moved, seconded by Commissioner Sacks, to approve the staff recommendation.

Commissioner Caveglia then explained his concern about the auto painting. He described the Earl Scheib business on Mission Boulevard where the fumes permeate the Monroe High School. He noted that a lot of fumes escape. He asked staff to check the site more often and enforce the rules.

Commissioner Sacks said she would support the motion since the property needs help and some good things happen. She commented on one tenant whose place was almost immaculate. She added that this location has been used for auto and auto related for some time. Residents and the developer of Canterbury Homes should have been aware when the homes were built. She added that she wished all of them well.

Commissioner McKillop said she could support the motion but had concerns regarding the residences encroaching on existing businesses. They were there before the homes.



Commissioner Thnay said that the fumes are one of his main concerns. He added that in Condition 5, when families go to the park, he would like to see if there is a way to post a sign, so people could know that there is recourse when business is continuing after 5 p.m.

Chairperson Bogue said he, too, would support the motion. Canterbury Homes were built adjacent to an existing use in an Industrial area. This is the primary use on this corridor. He commented that when residential is built within the Industrial area, there is always a conflict later on.

Commissioner Halliday said she would support the motion. She referred to the letters, which discussed the neighbors not wanting additional auto uses and explained that there really is not anything else the owner is allowing a compatible use. She commented that if this is improved, conditions that affect the neighborhood might improve.

The motion passed unanimously.

2. Planning Director's Referral of Administrative Use Permit No. PL-2003-0108 – Jody Malone for Designers Collective (Applicant) / Sam Hirbod (Owner) - Request to Renovate a Gas Station and Build a New Mini-Mart with an Attached Carwash – The Project is Located at 21501 Foothill Boulevard at the Corner of Grove Way

Principal Planner Patenaude described the site and the proposal to demolish the existing structures on the site and rebuild. He explained that one of the driveways off Grove Way closest to Foothill would be closed. He said the circulation on the property works pretty well. He showed a real-life example of what the architectural style would be. He noted that staff did have a concern about the traffic. However, traffic-engineering staff has determined that a service station with car wash and mini mart generates fewer trips, since a customer is usually on the property for a longer period of time. Staff recommended approval of the proposal as an infill project.

Commissioner McKillop commented that she liked the project but had particular concerns for the traffic. She noted that she had been on Grove Way and described the horrendous traffic at certain times of day.

Principal Planner Patenaude indicated that with the removal of the driveway on Grove Way, there should be an improvement in traffic flow. The property is already developed as a service station, so the new design would be a plus for the area.

Commissioner Halliday commented that she found curious the information about fewer daily car trips when a service station had gas, a carwash and a minimart.

Principal Planner Patenaude said those are the numbers with which City of Hayward traffic people agree. As to why, he surmised that it is possible that the vehicles would stay on the property longer, not all just come and go.

Commissioner Sacks noted that the only times she has gone by the present location has been on the way to work or coming home and at those times traffic is the worst.

Commissioner Thnay said he liked the fact that the driveway on Grove Way is taken out. He wondered whether it could be designed as a flare driveway, a new design that is subtler so drivers could make a faster turn and not slow the traffic as greatly. He added that he thought it was a great project.

Commissioner Caveglia explained his thought on why traffic would be less at this station. It is now a cut-rate gas station, once it is a Chevron station, the prices will go up.

Commissioner Zermeno asked about the Driveway on Grove Way and whether it would be an entry or an exit.

Principal Planner Patenaude said this drive would be 2-way so that customers from the carwash can leave without mingling with the Foothill Boulevard traffic.

The public hearing was opened at 8:19

Imran Qamar, project architect, commented on the traffic and issues and agreed that Chevron gasoline is higher than other gas, so there will be a different clientele. He also suggested that customers might park at the station and go into the store, which leaves the perception that the station is full, which does reduce the number of cars. He explained that the driveway on Grove would be mainly used as an exit for the car wash customers.

Commissioner Halliday asked about the hours of operation for the car wash and whether people actually wash cars that late.

Sam Hirbod, the owner explained that around the area some people seem to find it a convenience. He also explained that the Doors close automatically so there should be no nuisance from the noise, etc.

Sanjay Patel, owner of the Ramada Inn, stated that anything happening on Foothill is positive and he would support. Although they do not know the outcome of Route 238, this will be an asset to the Boulevard.

The public hearing was closed at 8:24 p.m.

Chairperson Bogue noted that the driveway on Grove Way was shown as a different shape on the slide from the one in the packet.

Principal Planner Patenaude said he saw the difference. However, the plans in the packet were the ones for approval.



Chairperson Bogue asked whether a flare design driveway had been considered.

Principal Planner Patenaude said staff could investigate the possibility and then, if feasible, the Planning Director could authorize that minor change.

Commissioner Zermeno commented that in the drawings the driveway looks like just an entry.

Commissioner Sacks commented on the two drawings. L1 looks like it is narrower, where on the screen, both driveways appear to be about the same. She said she realized that a flare driveway does make a difference. There is another gas station further south on Foothill with almost a 90-degree angle, which causes traffic to stack up. She suggested staff consider that option.

Commissioner Thnay suggested the disparity in the drawings might be the interpretation between engineers and architects. He added that it is a good project where the applicant has gone beyond the request for a sound wall for the car wash by enclosing it since most car washes are loud.

Mr. Qamar noted that it would be a wider driveway than what exists. However, the driveway on Grove Street will be minimal. He added that there would not be enough room to design a flared driveway.

Principal Planner Patenaude commented on the Grove Way driveway and mentioned how difficult the turn movements are at the intersection. This design discourages westbound turns into the property because of the angle of the driveway. He suggested members might want to consider leaving it the way it is.

Commissioner Thnay moved, seconded by Commissioner Caveglia, to approve of the staff recommendation.

Commissioner McKillop said she liked the project particularly as an entryway into the City of Hayward. She added that she was excited about the landscaping as well and would support the motion.

The motion passed 7:0.

3. Use Permit Application No. PL-2003-0153/Modification of CUP 01-160-05 – Donald Imwalle (Applicant) / Target Corporation (Owner) - Request for Multi-Tenant Retail Pad Building – The Project is Located at the Northeast Corner of Whipple Road and Industrial Parkway Southwest within the Target Project

Principal Planner Patenaude described the present Target store with the pad site proposed as a single tenant usage, which was approved with the original site plan permit. However, there is no

tenant in line at the time. Macaroni Grill backed out of the project. Although the applicant has stated there has been continuing search for a single tenant, they would like a modification of the proposal and have the option of a multiple tenant usage for the site. He noted that it has a more pedestrian use, although the main thing is a modification of the use permit. Now proposed for a multi-use. He commented that staff had a lot of discussion with the applicant. However, indications are that with the market considerations, it is not possible to gain a large tenant user. Staff agreed it is appropriate to look at a change of use for this building, which could be smaller restaurants, etc., something more similar to Union Landing. He noted that there might be future larger regional uses in this area so an additional condition proposed by staff would be a condition for common access between this and the next property should it become a retail property. Staff feels the retail building remains consistent with original proposal and is recommending approval of the modification. Previously certified environmental documents.

Commissioner Zermeño asked about condition 12. Relative to graffiti and a 7-days time frame for removal.

Principal Planner Patenaude told him that was the standard time frame, but the commission could require a shorter time.

Commissioner Sacks asked for more information about the additional condition, which would be suggesting future retail on the other site.

Principal Planner Patenaude noted that it could be sharing the service driveway.

Planning Manager Anderly added that not only could it be use for service vehicles, but customers as well on both sites.

Commissioner Sacks referred to the mention Union Landing-type of development, she added that she was assuming that this development approval would not create the same thing as that.

Principal Planner Patenaude said that this modification should not change the basic traffic flow on the site, which is the main problem at Union Landing. This is also a different orientation of the buildings and, in fact, this creates a more straightforward circulation pattern.

Commissioner Caveglia asked for further explanation on what is no longer acceptable.

Principal Planner Patenaude explained that retail uses to support the sub-regional market as well as supporting the Target store, would be acceptable. Additions were banks, barber/beauty shops, copy shops such as Kinko's, but no auto related uses. He noted that Condition 3 lists approved uses.

Commissioner Halliday said that since the Commission had already approved the other building, she noted that the Union Landing vehicle circulation is bad but pedestrian circulation is worse. She suggested it is better to park and walk then asked what is the pedestrian walkway to get from Target and this building.

Principal Planner Patenaude noted that there was no proposal in the original for walking. The applicant has provided for pedestrian path from the sidewalk at Industrial to the building. No





connection is made to the Target Store since the original permit did not require a pedestrian connection.

Commissioner Halliday then said, the commission is being asked to change the use with multiple smaller shops, more likely that people who go to Target will go to the other stores. Walking should be an option. She asked whether the Commission could make that it a condition to connect the two structures.

Principal Planner Patenaude said they could consider that as a possible with this location. However, the applicant would also have to negotiate with Target. Although it was a single conditional use permit, the pad site is a separate property. There were lot line adjustments of the three properties for Target and one, which was adjusted for the other tenant.

Commissioner Halliday said she wished the Commission could do this, adding that it was bothersome about Union Landing. It is important to think about the circulation of pedestrians.

Principal Planner Patenaude noted that staff would certainly look at future projects in this area.

Commissioner Zermeno echoed these sentiments. He said he would like to see them work it in. It would certainly be more accommodating to add the pedestrian attraction to this.

Commissioner Thnay followed-up on this concept with a new proposed plan to have a pedestrian crossing as a ten-foot raised crosswalk to facilitate pedestrian crossing.

The public hearing opened at 8:58 p.m.

Rich Shaffer, applicant, said he was in full-concurrence with staff report. He noted they were happy with the service road, adding that they had no control over Target relative to the pedestrian crossing. This pad is self-parked and self-contained.

Chairperson Bogue asked when this footprint was created.

Mr. Shaffer commented that as the building changed we changed with it. Although the rockery is still the rockery, it's nicer. He added that it would be easier for them to find multiple tenants rather than to do a single tenant. Quite often, Targets have smaller shops and big box next to them. Although they did market to those categories, there is not enough property for that size building.

Commissioner Zermeno asked whether they could have sidewalks outside with possibly a patio.

Mr. Shaffer responded that it might be possible to have a patio on either end. He said it would be great against the waterway if it stays as clean as it has been.

Commissioner Sacks asked him how difficult would it be to get anything upscale with the other tenants nearby.

Mr. Shaffer agreed that it does create a different economic climate because of them.

The public hearing was closed at 9:04

Commissioner Halliday said she did support the proposal, even though she and Commissioner Thnay discussed the fact that it might not be possible to create a pedestrian connection because of the lot line.

Assistant City Attorney Conneely said Target should have been noticed if that it was to be a consideration. The Commission might ask staff to work with them on developing something.

Commissioner Sacks moved, seconded by Commissioner Halliday to approve the Use Permit application with the additional condition recommended by staff of the service driveway common.

Commissioner Halliday then added an additional condition to the motion to ask staff to work with Target about a pedestrian walkway.

Commissioner Zermeno commented that it is a good project.

Chairperson Bogue expressed concern with it not working. He said the restaurant went with the Commercial Center. He said he understood the economy taking a downward turn at the wrong time, but it was disappointing that this was turning into a strip mall. He said he was not sure it was a good idea. Although he was not sure it was a good idea about the pedestrian access, or anything that would attract people to cross Industrial Parkway at that location.

Commissioner Sacks noted that she did understand what he was saying. However, this does have some positive aspects in the uses we have defined here. Most of the residences are isolated from the kinds of uses that could go in there. She said she was hopeful this would be an asset.

Commissioner Halliday agreed, adding she would like to have paths and asked whether the parking in the Target area had any excess

Principal Planner Patenaude noted that the pad site is right on and there is excessive parking at the Target.

Commissioner Halliday then reiterated her proposal for staff to look at something to direct people to walk between the two projects.

Principal Planner Patenaude agreed that staff would explore these options.

The motion passed 6:1, with Commissioner Caveglia voting "No."

#### ADDITIONAL MATTERS

#### 4. Oral Report on Planning and Zoning Matters



Planning Manager Anderly noted that the next week would be another meeting. She then asked whether members would like it to be the dinner meeting, adding that Commissioner Sacks had the option of choosing a location.

She said when she returned from her vacation she noticed a public hearing notice asking people to send in a check.

5. Commissioners' Announcements, Referrals

Commissioner Zermeno asked staff about any progress in having a Pollo Loco locate in the City of Hayward.

Principal Planner Patenaude said he had not heard of any proposal for them to come to Hayward.

Commissioner McKillop said the Albertson's shopping center is much cleaner, and thanked staff. She then spoke of the newsstands chained to the sign on their property.

Assistant City Attorney Conneely said staff had talked about that and was looking into it. .

APPROVAL OF MINUTES

- May 29, 2003 Approved

ADJOURNMENT

9:17 p.m.

The meeting was adjourned by Chairperson Bogue at 9:17 p.m.

APPROVED:

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Barbara Sacks, Secretary  
Planning Commission

ATTEST:

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Edith Looney  
Commission Secretary